

Case summary

Issue(s)

(1) What is the legal test for certification of claims as eligible for inclusion in collective proceedings? (2) What is the correct approach to questions regarding the distribution of an aggregate award at the stage at which a party is applying for a Collective Proceedings Order ("CPO")?

Facts

This case concerns an application for a CPO to enable the continuation of proceedings brought by the respondent as a proposed class representative for 46.2 million people who between 22 May 1992 and 21 June 2008 purchased goods and/or services from businesses in the UK that accepted Mastercard cards. The Competition Appeal Tribunal ("CAT") concluded that these claims were not suitable to be brought in collective proceedings and it therefore declined to make a CPO in the case. The Court of Appeal set aside this order and remitted the application for a CPO to the CAT. The appellants now seek permission to appeal to the Supreme Court.

Parties

Appellant(s)

Mastercard Incorporated and others

Respondent(s)

Walter Hugh Merricks CBE

Appeal

Justices

Lord Kerr, Lord Briggs, Lord Sales, Lord Leggatt, Lord Thomas

Hearing start date

13 May 2020

Hearing finish date

14 May 2020

Watch hearing

13 May 2020 [Morning session](#) [Afternoon session](#)

14 May 2020 [Morning session](#)

Judgment details